

ORIGINAL FILED  
June 1 2009

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. \_\_\_\_\_

Roger M. Sullivan  
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Attorneys for Appellants

PLAINS GRAINS LIMITED PARTNERSHIP, a  
Montana limited partnership; PLAINS GRAINS,  
INC., a Montana corporation; ROBERT E. LASSILA  
and EARLYNE A. LASSILA; KEVIN D. LASSILA  
and STEFFANI J. LASSILA; KERRY ANN  
(LASSILA) FRASER; DARYL E. LASSILA and  
LINDA K. LASSILA; DOROTHY LASSILA; DAN  
LASSILA; NANCY LASSILA BIRTWISTLE;  
CHRISTOPHER LASSILA; JOSEPH W. KANTOLA  
and MYRNA R. KANTOLA; KENT HOLTZ;  
HOLTZ FARMS; INC., a Montana corporation;  
MEADOWLARK FARMS, a Montana partnership;  
JON C. KANTOROWICZ and CHARLOTTE  
KANTOROWICZ; JAMES FELDMAN

NOTICE OF APPEAL

and COURTNEY FELDMAN; DAVID P. ROEHM and CLAIRE M. ROEHM; DENNIS N. WARD and LaLONNIE WARD; JANNY KINION-MAY; C LAZY J RANCH; CHARLES BUMGARNER and KARLA BUMGARNER; CARL W. MEHMKE and MARTHA MEHMKE; WALTER MEHMKE and ROBIN MEHMKE; LOUISIANA LAND & LIVESTOCK, LLC., a limited liability corporation; GWIN FAMILY TRUST, U/A DATED SEPTEMBER 20, 1991; FORDER LAND & CATTLE CO.; WAYNE W. FORDER and DOROTHY FORDER; CONN FORDER and JEANINE FORDER; ROBERT E. VIHINEN and PENNIE VIHINEN; VIOLET VIHINEN; ROBERT E. VIHINEN, TRUSTEE OF ELMER VIHINEN TRUST; JAYBE D. FLOYD and MICHAEL E. LUCKETT, TRUSTEES OF THE JAYBE D. FLOYD LIVING TRUST; ROBERT M. COLEMAN and HELEN A. COLEMAN; GARY OWEN and KAY OWEN; RICHARD W. DOHRMAN and ADELE B. DOHRMAN; CHARLES CHRISTENSEN and YULIYA CHRISTENSEN; WALKER S. SMITH, JR. and TAMMIE LYNNE SMITH; JEROME R. THILL; and MONTANA ENVIRONMENTAL INFORMATION CENTER, a Montana nonprofit public benefit corporation,

Appellants,

vs.

BOARD OF COUNTY COMMISSIONERS OF CASCADE COUNTY, the governing body of the County of Cascade, acting by and through Peggy S. Beltrone, Lance Olson and Joe Briggs,

Appellees.

SOUTHERN MONTANA ELECTRIC  
GENERATION and TRANSMISSION  
COOPERATIVE, INC.; the ESTATE OF DUANE  
L. URQUHART; MARY URQUHART; SCOTT  
URQUHART; and LINDA URQUHART,

Appellees and  
Intervenors.

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NOTICE is given that Plains Grains Limited Partnership, a Montana limited partnership, together with the other Appellants above-named and who are plaintiffs in that cause of action filed in the Eighth Judicial District, in and for the County of Cascade, as Cause No. BDV-08-480, hereby appeal to the Supreme Court of the State of Montana from the final judgment and order entered in such action on the 27<sup>th</sup> day of May, 2009, together with the Order on Motions for Summary Judgment and Writ of Mandamus/Writ of Review dated November 28, 2008, and all rulings related thereto.

**THE APPELLANTS FURTHER CERTIFY:**

1. That this appeal is not subject to the mediation process required by M. R. App. P. 7.
2. That this appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b).
3. That the notice required by M. R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.
4. That all available transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.

5. That included herewith is the filing fee prescribed by statute, or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

Dated this 29<sup>th</sup> day of May, 2009.

  
\_\_\_\_\_  
Roger M. Sullivan  
Attorney for Appellants

## CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

Ruth Reeves  
Clerk of District Court  
Cascade County  
415 - 2<sup>nd</sup> Avenue North  
Great Falls MT 59401

Alan F. McCormick  
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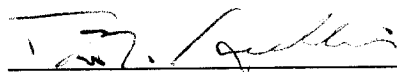
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Gary M. Zadick  
Mary K. Jaraczski  
Ugrin, Alexander, Zadick & Higgins,  
PC  
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P O Box 1746  
Great Falls MT 59403-1746

Courtesy copy to:

Hon. E. Wayne Phillips  
712 W. Main Street  
P O Box 1124  
Lewistown MT 59457

Dated this 29<sup>th</sup> day of May, 2009.



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